

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

LOCALS 302 AND 612 OF THE  
INTERNATIONAL UNION OF  
OPERATING ENGINEERS  
CONSTRUCTION INDUSTRY HEALTH  
AND SECURITY FUND, *et al.*,

Plaintiffs,

V.

BIANCHI LLC,

Defendant.

V.

## CADMAN MATERIALS, INC.

### Garnishee-Defendant.

NO. MC19-0059RSL

ORDER DIRECTING ENTRY OF  
JUDGMENT ON GARNISHEE  
ANSWER<sup>1</sup>

<sup>1</sup> The Court initially declined to enter judgment on the garnishee's answer because there was a problem with service on the defendant/judgment debtor. Dkt. # 7. The next day, the garnishee (or, more accurately, its parent company) deposited into the registry of the Court the money in its possession. When no proof of service was filed within the time allowed, the Court took steps to identify the depositor and return the funds. At some point not disclosed in the record, the Clerk of Court released the registry funds to plaintiffs, who filed a notice of voluntary dismissal. Dkt. # 8. On September 18, 2019, unaware that the funds had been released to plaintiff, the undersigned ordered the funds returned to the garnishee's parent company. Dkt. # 9. When the Clerk's Office contacted plaintiffs seeking return of the funds, plaintiffs filed proof of timely service on the defendant/judgment debtor. Dkt. # 10. Plaintiffs have established their entitlement to the funds that are already in their possession and judgment in their favor is appropriate.

The Order Directing Disbursement of Funds (Dkt. # 9) is hereby VACATED.

**ORDER DIRECTING ENTRY OF JUDGMENT  
ON GARNIShee ANSWER - 1**

## Summary of Judgment

Judgment Creditor:	Operating Engineers Trust Funds
Judgment Debtor:	Bianchi LLC
Garnishee-Defendant	Cadman Materials, Inc.
Garnishment Judgment Amount:	\$60,718.07
Estimated Garnishment Costs:	\$149.50
Attorneys Fees:	\$250.00
Other Recovery Amounts:	NONE
Percent Interest on Principal:	Twelve percent (12%) per annum
Interest Rate on Costs:	NONE
Attorneys for Judgment Creditor:	Reid, McCarthy, Ballew & Leahy, L.L.P.

THIS MATTER coming on for consideration upon the application of judgment creditor, for judgment on the answer of garnishee defendant; it appearing that garnishee defendant has filed its answer herein stating that it holds funds of the judgment debtor, Bianchi LLC, in the sum of \$60,718.07; that judgment creditor has judgment unsatisfied against the judgment debtor in the total amount of \$181,037.27;<sup>2</sup> that judgment creditor's attorney's fees in the amount of \$250.00 and costs in the amount of \$149.50<sup>3</sup> in this garnishment action are reasonable; that more than twenty (20) days have elapsed since service of the Writ of Garnishment and garnishee defendant's answer thereto: that signed affidavit or return of service of the Writ of Garnishment, Application for Writ of Garnishment including a copy of the judgment entered in this action, indicating service upon the judgment debtor by certified mail, is on file herein now, therefore, it is hereby

<sup>2</sup> This sum includes the balance on the underlying judgment and post-judgment interest through June 3, 2019. It does not include fees and costs associated with this garnishment action, which is added to the balance by operation of this order.

<sup>3</sup> The proposed judgment provided by judgment creditor includes two different amounts for garnishment costs, with no supporting documentation or declaration. The Court awards the lesser of the two amounts.

1 ORDERED, ADJUDGED AND DECREED as follows:

2 1. The Clerk of Court is directed to enter judgment in favor of the judgment creditor and  
3 against the garnishee defendant in the sum of \$60,718.07; such funds to be first applied in  
4 satisfaction of the costs and fees taxable herein;

5 2. Payment by garnishee defendant of the aforementioned sum having already been made,  
6 said garnishee defendant is hereby discharged from this action. The Clerk of Court shall enter  
7 full satisfaction of the judgment against garnishee defendant.

8 3. The Clerk of Court is directed to enter judgment in favor of the judgment creditor and  
9 against the judgment debtor for attorneys' fees and costs in this garnishment action in the sum of  
10 \$399.50; said sum shall be added to judgment creditor's prior judgment against judgment debtor.

11 4. Plaintiff has already received the funds previously held by the garnishee-defendant plus  
12 all accrued interest, minus any statutory user fees, plaintiff's attorney shall cause an appropriate  
13 satisfaction of judgment to be filed as to the principal defendant.

14 Dated this 19th day of September, 2019.

15 

16 Robert S. Lasnik  
17 United States District Judge